

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	NO. 2:04-CR-14
)	
TALMADGE CODY)	

ORDER

This criminal matter is before the Court to address the Defendant Talmadge Cody's Motion to Reconsider the denial of his CJA 21 request for expert services. He contends that he needs to retain an experienced criminal defense lawyer to serve as an expert on the issue of whether the defendant received effective assistance of counsel. The purpose of legal expert testimony is normally to guide the jury as to relevant standard of care in a profession, based on rules and codes of professional responsibility. The expert explains what the attorney's duties were to his client and what might constitute breach of that duty, and the witness helps the jury understand the special professional standard of care demanded from attorneys that is different from "reasonable person" standard used in ordinary negligence cases. *Innes v. Howell Corp.*, 76 F.3d 702 (6th Cir. 1996).

The Federal Rules of Evidence Rule 702 also provide:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

In this case, this Court will be the trier of fact, and the Court does not find that expert testimony will assist the Court in its determination of the issue of ineffective assistance of counsel.

Accordingly, it is hereby **ORDERED** that the defendant's Motion to Reconsider is **DENIED**. [Doc. 161].

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE